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09/212,714	12/16/1998	RAO KOCHARLAKOTA	101723	7997

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,714

Applicant(s)

KOCHARLAKOTA, RAO

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 5, 11, 14 and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by Sleevi U. S. Patent No. 4,811,382.

Regarding **claim 1**, Sleeve teaches a method of time slicing a telecommunications call, comprising:

connecting a caller to a subscriber of a time slicing service (see column 4, lines 64-67);

determining if the subscriber is available to receive a call from the caller (see column 5, lines 4-7);

connecting the caller to an alternate device that provides alternate services when the subscriber is not available to receive the call (see column 7, lines 5-10);

terminating the alternate services and resuming communication between the caller to the subscriber when the subscriber is available to receive the call (see column 7, lines 50-52); and

determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided (see column 9, lines 3-8).

Regarding **claim 5**, Sleeve teaches a method, wherein the step of connecting a caller comprises:

routing the call through a device capable of detecting if the subscriber is available to receive the call (see column 5, lines 4-7).

Regarding **claim 11**, Sleeve teaches a method, wherein the step of terminating the alternate services comprises:

receiving a signal representing that the subscriber is available to receive the call (see column 7, lines 40-46); and

interrupting the alternate services to reconnect the caller and the subscriber (see column 7, lines 46-52).

Regarding **claims 14 and 15**, Sleeve teaches a method of time slicing a telecommunications call, comprising:

connecting a caller to a called party (see column 4, lines 64-67);

determining that one of the caller and the called party is not available for communication with the other of the caller and the called party (see column 5, lines 4-7);

connecting the other of the caller and the called party to a device that provides alternate services while the caller or called party is not available (see column 7, lines 5-10);

terminating the alternate services and resuming communication between the caller and the called party when both the caller and the called party are available for communication (see column 7, lines 50-52); and

determining a portion of total call charges that are attributable to at least one of the caller, the called party and another entity based on the alternate services provided (see column 9, lines 3-8).

3. **Claims 16 and 18-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Gregorek et al U. S. Patent No. 5,321,740 (hereinafter Gregorek).

Regarding **claim 16**, Gregorek teaches a telecommunications system having a time slicing capability, comprising:

an originating switch that receives a signal from a caller indicating a desire to be connected with a called party (see column 2, lines 56-63);

a controller that provides information regarding how the signal from the caller should be handled (see 15 on FIG. 1 and column 2, lines 63-66);

a destination switch that connects to the called party based on information from the controller (see column 3, lines 6-11);

a switching network that interconnects the originating switch with the destination switch (see 23 on FIG. 1);

a sensing device that detects that one of the caller and the called party is not available for communication (see column 3, lines 9-11); and

an alternate services device that provides alternate services to the other of the caller and the called party while the caller or called party is unavailable (see column 4, lines 36-38);

wherein portions of the call during which alternate services are provided are charged to entities based on the alternate services provided (see column 8, lines 20-25).

Regarding **claim 18**, Gregorek teaches a system, wherein the sensing device is an IP device that detects a lack of communication between the caller and the called party (see column 3, lines 9-12)[Network signaling system is an IP].

Regarding **claim 19**, Gregorek teaches a system, wherein the alternate services device is an IP that provides advertising information to the caller while the called party is unavailable (see column 4, lines 36-43) [the marketing system is an IP].

Regarding **claim 20**, Gregorek teaches a system, wherein portions of the call during which advertising information is provided to the caller is charged to an advertiser associated with the advertising information (see column 8, lines 20-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 7, 8 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sleevei in view of Andrews et al U. S. Patent No. 5,271,058 (hereinafter Andrews).

Regarding **claim 2**, Sleevei as applied to **claim 1** above differs from **claim 2** in that Sleevei did not disclose an automatic call distributor associated with the subscriber.

However, Andrews teaches a method, wherein the step of connecting a caller comprises:

connecting the caller to an automatic call distributor associated with the subscriber (see column 12, lines 22-27).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleevei by adding an automatic call distributor associated with the subscriber as taught by Andrews.

The modification will allow the system to manage the receiving call using an automatic call distributor such that the service provider would determine when the subscriber is available.

Regarding **claim 7**, **Sleeve** as applied to **claim 1** above differs from **claim 7** in that **Sleeve** did not disclose a signal from the subscriber.

However, **Andrews** teaches a method, wherein the step of determining if the subscriber is available comprises:

receiving a signal from the subscriber indicating that the subscriber is not available to receive the call (see column 12, lines 10-16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify **Sleeve** by adding a signal from the subscriber as taught by **Andrews**.

The modification will allow the system to manage the receiving call using a signal from the subscriber such that the service provider would if the subscriber line is idle.

Regarding **claim 8**, Sleeve as applied to **claim 1** above differs from **claim 8** in that Sleeve did not disclose the connection between the caller and the subscriber as active.

However, Andrews teaches a method, wherein the step of connecting the caller to an alternate device comprises:

maintaining the connection between the caller and the subscriber as active (see column 12, lines 35-36); and

connecting the caller to an IP that provides the alternate services (see column 12, lines 36-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleeve by adding the connection between the caller and the subscriber as active as taught by Andrews.

The modification will allow the system to manage to maintain the connection between the caller and the subscriber as active such that the service provider would terminate the call when the subscriber is available.

Regarding **claim 10**, **Sleeve** as applied to **claim 1** above differs from **claim 10** in that **Sleeve** did not disclose receiving a signal from the subscriber indicating that the subscriber is available to receive the call.

However, **Andrews** teaches a method, wherein the step of terminating the alternate services comprises:

receiving a signal from the subscriber representing that the subscriber is available to receive the call (see column 12, lines 12-14).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify **Sleeve** by adding receiving a signal from the subscriber indicating that the subscriber is available to receive the call as taught by **Andrews**.

The modification will allow the system to manage the receiving a signal from the subscriber indicating that the subscriber is available to receive calls such that the service provider would switch the message when the subscriber line is available.

6. **Claims 3 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sleevi in view of Iida et al U. S. Patent No. 5,440,541 (hereinafter Iida).

Regarding **claim 3**, Sleevi as applied to **claim 1** above differs from **claim 3** in that Sleevi did not disclose an ATM backbone.

However, Iida teaches a method, wherein the step of connecting a caller comprises:

connecting the caller to the subscriber through a telecommunications system having an ATM backbone (see column 13, lines 30-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sleevi by adding an ATM backbone as taught by Iida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim 6**, Sleevei as applied to **claim 1** above differs from **claim 6** in that Sleevei did not disclose the voice activity between the caller and the subscriber.

However, lida teaches a method, wherein the step of determining if the subscriber is available comprises:

detecting voice activity between the caller and the subscriber (see column 6, lines 54-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleevei by adding the voice activity between the caller and the subscriber as taught by lida.

The modification will allow the system to manage the voice activity between the caller and the subscriber such that the service provider would monitor the call.

7. **Claims 4, 9, 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sleevei in view of Gregorek.

Regarding **claim 4**, Sleevei as applied to **claim 1** above differs from **claim 4** in that Sleevei did not disclose the alternate services should be provided at any point.

However, Gregorek teaches a method, wherein the step of connecting a caller comprises:

determining if the subscriber is associated with time slicing services (see column 2, lines 63-66); and

determining at least one of an alternate device that provides alternate services, a key sequence that indicates the subscriber is available to receive a call, whether alternate services in progress should be completed or interrupted when reconnecting a caller to the subscriber (see column 4, lines 4-10), and whether alternate services should be provided at any point after the subscriber receives the call (see column 5, lines 6-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleevei by adding the alternate services should be provided at any point as taught by Gregorek.

The modification will allow the system to manage the alternate services such that the service provider would broadcast the marketing messages.

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Regarding **claim 9**, Sleeve as applied to **claim 1** above differs from **claim 9** in that Sleeve did not disclose advertising information to the caller.

However, Gregorek teaches a method, wherein the step of connecting the caller to an alternate device comprises:

connecting the caller to a device that provides advertising information to the caller (see column 4, lines 36-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleeve by adding advertising information to the caller as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the service provider would promote the sale.

Regarding **claim 12**, Sleevei as applied to **claim 1** above differs from **claim 12** in that Sleevei did not disclose the alternate services are complete before reconnecting the caller and the subscriber.

However, Gregorek teaches a method, wherein the step of terminating alternate services comprises:

waiting until the alternate services are complete before reconnecting the caller and the subscriber (see column 5, lines 6-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleevei by adding the alternate services are complete before reconnecting the caller and the subscriber as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the service provider would have a few second before connecting the parties.

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Regarding **claim 13**, Sleevei as applied to **claim 1** above differs from **claim 13** in that Sleevei did not disclose charges to an entity that owns advertising information.

However, Gregorek teaches a method, wherein the step of determining a portion of total call charges comprises:

allocating charges to an entity that owns advertising information that is provided to the caller during the call (see column 8, lines 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Sleevei by adding charges to an entity that owns advertising information as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the caller would be billed for communication times only.

8. **Claims 17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregorek in view of lida.

Regarding **claim 17**, Gregorek as applied to **claim 16** above differs from **claim 17** in that Gregorek did not disclose the switching network is an ATM backbone having a multipoint-to-multipoint connection capability.

However, lida teaches a system, wherein the switching network is an ATM backbone having a multipoint-to-multipoint connection capability (see column 13, lines 30-32).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Andrews by adding the switching network is an ATM backbone having a multipoint-to-multipoint connection capability as taught by lida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim 21**, Gregorek as applied to **claim 16** above differs from **claim 21** in that Gregorek did not disclose an SCP.

However, lida teaches a system, wherein the sensing device comprises an SCP that does not keep track of called party resources (see 11 on FIG. 4 and column 4, lines 65-68).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Andrews by adding an SCP as taught by lida.

The modification will allow the system to manage the incoming call using an SCP such that the system would have advertising save in the database.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kay et al is cited for an area wide centrex (see FIG. 2).

Moll is cited for a reverse direction calling system (see FIG. 2).

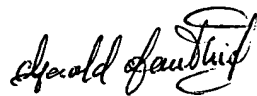
McLeod et al is cited for a long distance telephone switching system with enhanced subscriber services (see FIG. 1).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.

January 29, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

